

Address by M. Marcio Augusto Freitas de Meira
President of the National Foundation of Indians (FUNAI) – Brazil

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Item V

[Madame Expert]
[Mister President]
[Ladies and Gentleman]

The indigenous policy in Brazil is integrated in our commitment to fully guarantee the realization of human rights of the most diverse groups of the Brazilian population, which is marked by its ethnic and cultural diversity. This policy is based on the concepts of identity and ethnicity, beyond the numerical composition in a pluricultural population.

The indigenous population of Brazil is estimated between 500.00 and 720.000 people that make up around 220 indigenous groups, in a total population of 195 million inhabitants.

Indigenous peoples live in 653 officially recognized lands, adding up to about 107 million hectares, which represent 12,57% of the national territory. In addition to this spatial distribution, characterized by isolation and dispersal, the linguistic situation presents an enormous diversity, with a total of 180 identified languages.

There are also references concerning 68 indigenous peoples that are still isolated. There are several other groups that claim to be indigenous and demand the recognition of their status by the federal indigenous body, the National Foundation of the Indian (FUNAI). This also includes persons living in urban zones.

Historically, indigenous peoples were considered incapable to decide about their lives, their culture seen as outdated, and thus they should be progressively and harmoniously assimilated by the national society.

The Brazilian judicial and institutional structure has followed the logic of this alleged incapacity (?). In 1910 the Service for the Protection of Indians (SPI) was created, with the mission of protecting the rights of indigenous peoples. In 1967 the National Foundation of the Indian (FUNAI) was created, which replaced the SPI.

The Brazilian Civil Code of 1916 explicitly included indigenous people in the category of “relatively incapable”, assimilating them with minors. Based on this “incapacity”, guardianship was instituted. Through this mechanism, it was incumbent on the State to protect the rights of indigenous peoples, to manage their heritage, and to help them in the process of integration in the national society.

The rules related to guardianship were in force until 1988, when the new Brazilian Federal Constitution was promulgated, which established the protection of cultural identity and the own way of life of indigenous people. In addition, the constitutional

document determined the demarcation of lands traditionally occupied by them, as well as the preservation of the environment and biological diversity for the current and future generations.

During the 1990s, the State took measures especially regarding the demarcation of the indigenous lands by responding to their claims. During this period indigenous people have actively participated in the process of the demarcation of their lands.

Currently, the challenge of the Brazilian indigenous policy is to ensure the full protection of indigenous territories and to promote social policies in the educational, health, and development sectors, in accordance with the own way of life of indigenous people and according to their aspirations. Likewise, one of the Brazilian challenges is the participation of indigenous peoples in public administrative bodies in charge of the protection of their rights and interests.

Necessarily, the State must restructure to guarantee that different cultural groups can exercise their full citizenship. This implies a continuity in legislative changes, the strengthening of public institutions and of indigenous peoples.

Human rights for indigenous people are under construction. This is part of a process that shows that, for historic reasons, they have not been reached by the universalization of the rights, unlike in other sectors.

Facing these new challenges, the President of the Republic, Luis Inácio Lula da Silva, in accordance with Convention 169 of the International Office of Labor, established the National Commission on Indigenous Policy (CNPI) on 22 March 2006. The commission is integrated in the structure of the Ministry of Justice, it has a joint nature and is composed of 20 indigenous representatives, 2 representatives of indigenous NGOs, 13 members of governmental bodies, and 3 permanent guests – the Federal Public Ministry, the Office of the Attorney General and the Special Secretariat for the policies aiming to promote racial equality.

The CNPI usually meets every two months in Brasília, or in the regions indicated by the indigenous advisors.

The CNPI is competent to:

1. Propose directives, instruments, norms and priorities of the national indigenous policy, as well as monitoring and evaluation strategies of actions developed by organisms of the federal government linked to the indigenous sector;
2. Articulate and support different organs and structures responsible for the implementation of actions directed at indigenous populations;
3. Propose the updating of legislation and follow the process of propositions, as well as other parliamentary activities linked to the indigenous policy;
4. Encourage the participation of indigenous peoples in the formulation and implementation of the indigenous policy of the federal Government.

The CNPI represents an important step in the relation between the State and indigenous peoples, enabling dialogue, cooperation and mutual respect. In June 2008,

President Lula, together with 17 ministers of State, presided the CNPI as a way to strengthen the institution.

In 2008, 10 regional seminars were organized with the participation of 1.150 indigenous leaders to discuss the Bill n° 2,057/91 that establishes the Statute of indigenous peoples. Following these seminars a consensus proposal was elaborated between the representatives of the indigenous peoples and the governmental agencies, and was presented to the National Congress.

On the recommendation of the CNPI, a working group on the territorial and environmental administration of indigenous lands has been created in 2009. This group is made up of experts from the Ministry of Justice and the Ministry of Environment, as well as indigenous leaders, to discuss the issue. Five regional meetings will be held with a large indigenous participation to collect propositions, and at the end a decree will be edited by the President of the Republic on the territorial and environmental administration of indigenous lands.

In the course of the year 2009, the FUNAI and the Ministry of Education, also upon the recommendation of the CNPI, organised regional conferences on the creation of “ethno educational” territories to handle indigenous education. The national Conference on school education of indigenous people will take place between 16 and 20 November, with the aim to define its model. We should note that the coordination of the indigenous school education, which is part of the Ministry of Education, has an indigenous person as the coordinator.

The government continues to be committed for a policy that is shared with indigenous peoples so as to create mechanisms that guarantee to indigenous people the right to participate in the administration of their heritage and policies related to their rights and interests.

I thank you for your attention.

Note about the translation: The speaker never uses the term “Indigenous Peoples”, that is why we translated “indigenous people”, as a common noun.